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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,528	07/09/2001	Ryusuke Yamaguchi	01407/LH	7097

1933 7590 09/24/2004

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NEW YORK, NY 10017-2023

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/901,528

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) 24,25,27,29,35,36,38 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23,26,28,31-34,37,39 and 42 is/are rejected.
- 7) ☒ Claim(s) 30 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to new claims 21-42 filed 6/23/2004 have been considered but new issues have been found regarding subject matters belonging to the non-elected species. The Applicant has elected species I corresponding to Figures 8A-10 in paper No. 5, received 12/11/2003 without traverse in response to the Office Action mailed 11/14/2003. However, the new claims 24, 25, 27, 29, 35, 36, 38 & 40 contain subject matters that belong to non-elected species. Therefore, these claims are withdrawn from consideration, and only claims of subject matters of the elected species I corresponding to Figures 8A – 10 are considered on merits in this Office Action.
2. Applicant's arguments with respect to claims 21-23, 26, 28, 31-34, 37, 39 & 42 have been considered but are moot in view of the new ground of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-23, 26, 28, 31-34, 37, 39 & 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima et al (US 5,796,366) in view of Hibi (US 5,859,665).

Regarding claim 21, Takashima discloses a portable image pickup apparatus (a video camera shown in Fig. 1) comprising:

an apparatus proper (camera and lens body) comprising an image pickup lens (inside lens barrel 14) and a band attaching unit for connecting a band that is used to wear the apparatus proper on a user's body (see Fig. 1; col. 4, lines 10-14);

an attachment (46) removably attached to the apparatus proper, the attachment comprising a second lens (46) that is placed in front of the image pickup lens so as to align with the image pickup lens for fulfilling a special optical effect adding function (to eliminate image blurring). See Fig. 1 and col. 6, lines 19-25.

Takashima fails to explicitly disclose that the attachment comprises at least one hook that is engaged with the apparatus proper for fixing the attachment to the apparatus proper.

Hibi teaches an image stabilizer (30) that is removably attached in front of an image pickup lens (Figs. 3 & 5; col. 1, lines 7-11), wherein at least one hook (70) is formed with the image stabilizer for fixing the stabilizer to the lens device. See col. 4, lines 29-34 and col. 5, lines 38-50.

Therefore, it would have been obvious to one of ordinary skill in the art to provide a hook structure as taught by Hibi to the attachment in Takashima for securing the attachment into the video camera in a well known fashion.

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Regarding claim 22, it is also clear in Hibi that the hook is provided on the outer periphery of the apparatus proper (see the stabilizer when it is mounted on the lens device as shown in Fig. 5).

Regarding claim 23, Hibi also shows that the hook is fixed to the stabilizer (Figs. 3 & 5).

Regarding claim 26, inherently disclosed in Hibi is the stabilizer having its hole as an opening end to engage with the periphery (81) of the lens device as shown in Fig. 5.

Regarding claim 28, see the analysis of claim 21, wherein a special optical effect is to eliminate image blurring caused by camera shaking.

Regarding claim 31, apparently shown by Takashima in Fig. 1, the apparatus proper includes a pair of band attaching units each provided at a respective one of opposite ends thereof for attaching the wristbands thereto.

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Regarding claims 32-34, see the analyses of claims 21-23, respectively.

Regarding claims 37, 39 & 42, see the analyses of claims 26, 28 & 31, respectively.

*Allowable Subject Matter*

4. Claims 30 & 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior arts of record fails to teach or fairly suggest the limitations required in either claim 30 or 41 for the attachment that covers the display unit in addition to the image pickup lens.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

~~A shortened statutory period for reply to this final action is set to expire THREE~~  
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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